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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1964

No. 465

ROSE KATZ,
Petitioner,

vs.

IRA G. KATZ,
Respondent

PETITION FOR REHEARING

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In denying the petition for certiorari in this cause, the Court overlooked or failed to consider that a petition for certiorari has been granted by this Court in a case presently pending in said Court entitled "Lucy C. Simons, Petitioner, v. Miami Beach First National Bank, as Executor of the Estate of Sol Simons, Deceased, Respondent" in which case it appears that the petitioner was granted a separation a mensa by the Supreme Court of New York from Sol Simons who subsequently instituted a Florida suit for divorce against the petitioner therein. The Florida proceedings continued to a final decree on an order of publication allegedly sent to the wrong address. Thereafter Sol Simons died and the petitioner in this Court sought to set aside the divorce by

direct proceedings in the Florida Courts in which effort she was unsuccessful.

It is stated in the petition for certiorari in the Simons case that among the reasons for granting the writ is that the courts of Florida have refused to give full faith and credit to the prior decree of the State of New York in violation of Art. IV, § 1 of the United States Constitution.

The petitioner herein suggests that there is sufficient similarity between the two cases to justify this Court in reconsidering the petition for certiorari in the instant case.

WHEREFORE, upon the foregoing grounds it is respectfully urged that this petition for rehearing be granted and that the decision of the Circuit Court of Dade County, Florida, denying full faith and credit to the petitioner be set aside.

Respectfully submitted,

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